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10/734,798	12/12/2003	Rema Ananthanarayanan	JP920030082US1	3886
7590		10/25/2007	EXAMINER	
T. Rao Coca		VEZERIS, JAMES A		
IBM Corporation		ART UNIT		
Almaden Research Center		PAPER NUMBER		
650 Harry Road		4172		
San Jose, CA 95120		MAIL DATE		
		10/25/2007		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/734,798

Applicant(s)

ANANTHANARAYANAN ET AL.

Examiner

James A. Vezeris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/12/2003.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**Detailed Action**

**Claim Rejections- 35 U.S.C. 102(b)**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being unpatentable over US PG-Pub 2002/0111896 to Ben-Levy et al. (Hereinafter "Ben").

**Regarding Claims 1, 2, 5, and 6:**

Ben teaches a method of trading in an online market, the online market comprising a user and a plurality of trading parties, each trading party trying to strike a trading deal with the user, the user specifying thereof requirements for initiating trading in the online market, the method comprising the steps of:

executing at least one trading mechanism to arrive at trading offers, the trading offers being submitted by the trading parties based on the requirements of the user;  
(See paragraph 87)

selecting at least one trading offer from the trading offers arrived at said step a of executing; (See p. 106, 107)

invoking bilateral negotiations to arrive at customized trading offers, the bilateral negotiations being invoked with the trading parties whose trading offers were selected at said step of selecting, said step of invoking further comprising:

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contacting trading parties whose trading offers are selected for the negotiations;

(See p. 105)

agreeing upon a protocol for conducting the negotiations; (See p. 80)

exchanging offers as per the agreed protocol; (See p. 86, 105, 108)

concluding the negotiation process as per the agreed protocol; (See p. 114)

repeating said steps of executing, selecting, and invoking until customized trading offers are arrived at; (See p. 80, 86, 105 and 114)

evaluating the customized trading offers; (See p. 111, 108)

concluding trading deals on the basis of the evaluated trading offers, whereby trading mechanisms and bilateral negotiations are combined. (See p. 114)

**Regarding Claims 3 and 10:**

Ben further teaches the step of exchanging offers comprises the steps of:

receiving offers from the trading parties; (See p. 106, 107)

evaluating the received offers; (See p. 108, 111)

generating counter-offers on the basis of evaluated offers; (See p. 105, 108)

sending counter-offers to the respective trading parties; (See p. 105, 108)

repeating said steps of receiving, evaluating, generating, and sending in accordance with the agreed upon protocol. (See p. 105, 106, 107, 108, 111)

**Regarding Claim 4:**

Ben further teaches the online market is a regulated online market, the online market being regulated to increase trading efficiency of the online market, the trading efficiency of the online market being governed by the number of trading parties that

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strike a trading deal. (See p. 80-84)

**Regarding Claim 7:**

Ben teaches a system suitable for trading in an online market, the online market comprising a user and a plurality of trading parties, the system connected to a plurality of clients, the user specifying thereof requirements for initiating trading in the online market using a client, the system comprising: a server for enabling the trading in the online market, the server comprising:

means for executing at least one trading mechanism to arrive at trading offers, the trading offers being submitted by the trading parties based on the requirements of the user; (See paragraph 87)

means for selecting at least one trading offer from the trading offers submitted by the trading parties; (See p. 106, 107)

means for invoking bilateral negotiations to arrive at customized trading offers, the bilateral negotiations being invoked with the trading parties whose trading offers were selected; (See p. 114, 105)

means for evaluating the customized trading offers; (See p. 108, 111)

means for concluding trading deals based on the evaluated trading offers. (See p. 114)

**Regarding Claim 8:**

Ben further teaches the server further comprises:

a repository containing information related to the requirements of trading parties; (See p. 43)

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a repository containing information related to the past trading deals; (See p. 43)

a repository containing information related to the trading parties. (See p. 43)

**Regarding Claim 9:**

Ben further teaches means for invoking the bilateral negotiations comprises:

means for contacting trading parties whose trading offers are selected for the negotiations; (See p. 47)

means for agreeing upon a protocol for conducting the negotiations; (See p. 106, 107)

means for exchanging offers as per the agreed upon protocol; (See p. 106, 107)

means for concluding the negotiation process as per the agreed upon protocol.  
(See p. 114)

**Regarding Claim 11:**

Ben teaches a system suitable for trading in an online market, the online market comprising a user and a plurality of trading parties, the system connected to at least one server, the system comprising:

a plurality of clients, the clients enabling the trading in the online market, each client comprising:

means for specifying the requirements, the requirements being specified by the user to initiate trading in the online market; (See paragraph 87)

means for executing at least one trading mechanism to arrive at trading offers, the trading offers being submitted by the trading parties based on the requirements of the user; (See paragraph 87)

means for selecting at least one trading offer from the trading offers submitted by the trading parties; (See p. 106, 107)

means for invoking bilateral negotiations to arrive at customized trading offers, the bilateral negotiations being invoked with the trading parties whose trading offers were selected, (See p. 114, 105)

means for evaluating the customized trading offers; (See p. 108, 111)

means for concluding trading deals based on the evaluated trading offers. (See p. 114)

**Regarding Claim 12:**

Ben teaches a computer program product suitable for trading in an online market, the online market comprising a user and a plurality of trading utilities, the computer program product comprising:

program instruction means for executing at least one trading mechanism to arrive at trading offers, the trading offers being submitted by the trading parties based on the requirements of the user; (See paragraph 87)

program instruction means for selecting at least one trading offer from the trading offers submitted by the trading parties; (See p. 106, 107)

program instruction means for invoking bilateral negotiations to arrive at customized trading offers, the bilateral negotiations being invoked with the trading parties whose trading offers were selected; (See p. 114, 105)

program instruction means for evaluating the customized trading offers; (See p. 108, 111)

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program instruction means for concluding trading deals based on of the evaluated trading offers. (See p. 114)

**Regarding Claim 13:**

Ben further teaches the program instruction means for invoking the bilateral negotiations comprises:

program instruction means for contacting parties whose trading offers are selected for the negotiations; (See p. 47)

program instruction means for agreeing upon a protocol for conducting the negotiations; (See p. 106, 107)

program instruction means for exchanging offers as per the agreed upon protocol; (See p. 106, 107)

program instruction means for concluding the negotiation process as per the agreed upon protocol. (See p. 114)

**Regarding Claim 14:**

Ben further teaches the program instruction means for exchanging offers comprises:

program instruction means for receiving offers from the trading parties; (See p. 106, 107)

program instruction means for evaluating offers received from the trading parties; (See p. 108, 111)

program instruction means for generating counter-offers on the basis of evaluated offers; (See p. 105, 108)

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program instruction means for sending the generated counter-offers to respective trading parties. (See p. 105, 108)

**Regarding Claim 15:**

Ben teaches a computer program product suitable for trading in an online market, the online market comprising a user and a plurality of trading parties, the computer program product comprising:

program instruction means for executing at least one trading mechanism to arrive at trading offers, the trading offers being submitted by the trading parties based on the requirements of the user, further details of the program instructions associated with the server; (See paragraph 87)

program instruction means for selecting at least one trading offer from the trading offers submitted by the trading parties, further details of the program instructions associated with the Server; (See p. 106, 107)

program instruction means for invoking bilateral negotiations to arrive at customized trading offers, the bilateral negotiations being invoked with the trading parties whose trading offers were selected, further details of the program instructions associated with the server; (See p. 114, 105)

program instruction means for evaluating the customized trading offers, further details of the program instructions associated with the server; ; (See p. 108, 111)

program instruction means for concluding trading deals based on the evaluated trading offers, further details of the program instructions associated with the server.

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(See p. 114)

**Regarding Claim 16:**

Ben teaches a computer program product suitable for trading in an online market, the online market comprising a user and a plurality of trading parties, the computer program product comprising:

program instruction means for executing at least one trading mechanism to arrive at trading offers, the trading offers being submitted by the trading parties based on the requirements of the user, further details of the program instructions associated with the client; (See paragraph 87)

program instruction means for selecting at least one trading offer from the trading offers submitted by the trading parties, further details of the program instructions associated with the client; (See p. 106, 107)

program instruction means for invoking bilateral negotiations to arrive at customized trading offers, the bilateral negotiations being invoked with the trading parties whose trading offers were selected, further details of the program instructions associated with the client; (See p. 114, 105)

program instruction means for evaluating the customized trading offers, further details of the program instructions associated with the client; (See p. 108, 111)

program instruction means for concluding trading deals based on the evaluated trading offers, further details of the program instructions associated with the client. (See p. 114)

**Regarding Claim 17:**

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Ben teaches a computer program product suitable for trading in an online market, the online market comprising a user and a plurality of trading parties, the computer program product comprising:

program instruction means for executing at least one trading mechanism to arrive at trading offers, the trading offers being submitted by the trading parties based on the requirements of the user; (See paragraph 87)

program instruction means for selecting at least one trading offer from the trading offers submitted by the trading parties; (See p. 106, 107)

program instruction means for invoking bilateral negotiations to arrive at customized trading offers, the bilateral negotiations being invoked with the trading parties whose trading offers were selected, program instruction means for invoking at least one bilateral negotiations comprising: (See p. 114, 105)

program instruction means for contacting trading parties whose trading offers are selected for the negotiations; (See p. 47)

program instruction means for agreeing upon a protocol for conducting the negotiations; (See p. 80)

program instruction means for exchanging offers as per the agreed upon protocol; (See p. 114, 105)

program instruction means for concluding the negotiation process as per the agreed upon protocol;

program instruction means for evaluating the customized trading offers; (See p. 108, 111)

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program instruction means for concluding trading deals based on the evaluated trading offers. (See p. 114)

### **Conclusion**

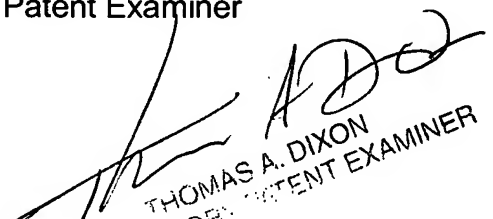
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Vezeris whose telephone number is 571-270-1580. The examiner can normally be reached on Monday-alt. Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Vezeris  
Patent Examiner

October 16, 2007

  
THOMAS A. DIXON  
UNITED STATES PATENT EXAMINER